

REMARKS/ARGUMENTS

In response to the Office Action mailed February 2, 2008, Applicants amend their application and request reconsideration in view of the amendments and the following remarks. In this amendment, Claim 1 is amended, no claims have been added, and no claims were cancelled without prejudice so that Claims 1-8 are currently pending. No new matter has been introduced.

Claims 1-7 were rejected under 35 USC §112, first paragraph. Applicants respectfully traverse.

On page 157, line 14 to line 22, it clearly states that the drug or drugs may be administered in any number of ways, including adventitial injection. ... In practice, the drug, agent and/or compound is injected into the adventitial tissue proximal and/or distal to the lesion, as well as the adventitial surrounding the lesion, and then distributed axially and longitudinally away from the site of the injection. On page 158, line 19 to line 28, the specification discloses microneedles and on page 158, line 12 to line 17 the specification discussed catheter-based systems. Accordingly, there is support and reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-6 were rejected as being anticipated by U.S. Patent No. 5,811,447 to Kunz et al. (Kunz). Claims 7 was rejected as being anticipated by Nikol et al. Gene Therapy, 1999, Volume 6, Number 5, pages 737-748). These rejections are respectfully traversed.

Anticipation exists only if all of the elements of the claimed invention are present in a system or method disclosed, expressly or inherently, in a single prior art reference. Therefore, if it can be shown that there is one difference between the claimed invention and what is disclosed in the single reference, there can be no anticipation.

Neither reference discloses or even suggests an injection catheter for injecting an agent for treating plaque by injecting into the adventitial space. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

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